

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7150

BILL NUMBER: HB 1278

DATE PREPARED: Apr 10, 2001

BILL AMENDED: Apr 9, 2001

SUBJECT: Hypnotists.

FISCAL ANALYST: Chris Baker

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**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill adds an individual who teaches hypnotism to the definition of "hypnotist". The bill increases the number of hours of education required to be certified as a hypnotist. It requires the classroom instruction be taught by a certified hypnotist. The bill also provides that video tape instruction may not account for more than 50 hours of hypnotism instruction. The bill provides that an individual must be a resident of Indiana to be certified as a hypnotist. It also provides that a hypnotist may not use, advocate, teach, or condone demoniac rituals or acts, including spirit or demon possession. The bill provides that an individual who practices hypnotism without being certified or exempt commits a Class A misdemeanor. This bill also provides for the issuance of an injunction against an individual who violates the hypnotist statutes. It amends an implementation provision allowing an individual to take the state hypnotist examination before July 1, 2005, even if the individual has not fully met the statutory education prerequisite.

Effective Date: (Amended) May 15, 2001.

Explanation of State Expenditures: (Revised) The Health Professions Bureau could have some expenses associated with the implementation of this legislation, such as additional printing of information forms regarding revised examination requirements. These expenses can be absorbed within the Bureau's current budget.

From October 1997 through September 2000 the Bureau has spent \$80,225 on the establishment of the Indiana Hypnotist Committee.

Explanation of State Revenues: (Revised) The bill may allow a candidate for certification as a hypnotist that is not a criminal, nor has been subject to disciplinary action by a certification/licensing body of another state, and has at least ten years of experience in hypnotism or has completed a course in hypnotism less than 300 classroom hours, before July 1, 1997, to take the exam for certification. It is not certain if revenue from certification fees would be affected by the provision. Any impact would depend on the number of individuals

that meet the above criteria.

Background: The following table exhibits the current fee schedule for hypnotists according to 844 IAC 12-2-1.

Fee Type	Amount
Certification by examination, administration/issuance	\$30 and cost of examination
Application for certification to practice	\$30
Verification of certification to another state or jurisdiction	\$10
Renewal of a certificate to practice	\$20 per biennium
Reinstatement of an expired certificate to practice	\$10 and all past renewal fees

The total number of hypnotists seeking certification is not currently known. The Health Professions Bureau reports 41 hypnotists have been certified since July 1, 2000. Total revenue collected from hypnotist certification amounts to \$4,505 from July 1999 to December 2000.

In addition, the following associations have recognized the following numbers of hypnotists/hypnotherapists practicing in Indiana.

Association	Number
American Association of Professional Hypnotists	7
Registry of American Hypnotists	2
National Board for Certified Clinical Hypnotherapists	5
Hypnodirect	2*
Hypnosis Center	2

*Indicates recognition of a practice, which may or may not include more than one practitioner.

All revenue collected from fees associated with hypnotist certification are currently deposited into the State General Fund.

The proposal may allow the Attorney General, the Hypnotist Committee, or a county prosecutor to enjoin a violator from practicing under the above penalty provision in the interim between the time of violation until the violator's case is tried in a criminal court. There would be costs associated with the filing of an injunction. The filing fee for a civil case is \$100.

Penalty provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: Indiana Health Professions Bureau; Indiana Hypnotist Committee; Indiana Medical Licensing Board; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Barb McNutt, Health Professions Bureau, (317) 233-4406; American Association of Professional Hypnotists; Registry of American Hypnotists; National Board for Certified Clinical Hypnotherapists; Hypnodirect; Hypnosis Center; Indiana Sheriffs Association; Department of Correction.